



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/329,502 06/10/99 MERRILL J 31223-62785

020873 IM22/1117
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EXAMINER

DANG, T

ART UNIT

PAPER NUMBER

1764

DATE MAILED:

11/17/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory ActionApplication No.
09/329,502Applicant(s)
Merrill et al.Examiner
Thuan DangGroup Art Unit
1764**THE PERIOD FOR RESPONSE:** [check only a) or b)]

- a) ☒ expires three months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Oct 30, 2000 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

☒ The proposed amendment(s):

- ☒ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- ☐ will not be entered because:
- ☐ they raise new issues that would require further consideration and/or search. (See note below).
 - ☐ they raise the issue of new matter. (See note below).
 - ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

- ☐ Applicant's response has overcome the following rejection(s):
- _____
- _____

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- ☐ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
- _____
- _____
- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):
- Claims allowed: none
- Claims objected to: none
- Claims rejected: 1-6, 8-13, and 15-21
- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.
- ☒ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). 7
- ☒ Other see the attachment.

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The Attachment

Information Disclosure Statement

The information disclosure statement submitted on 9/18/2000 was filed after the mailing date of the final Office action on 8/25/2000. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the petition is granted and the information disclosure statement is being considered by the examiner.

The amendment filed 10/30/2000 under 37 CFR 1.116 in reply to the final rejection will be entered upon the filing of an appeal, but is not deemed to place the application in condition for allowance. Upon the filing of an appeal and entry of the amendment, the status of the claims would be as follows:

Allowed claim(s): none

Rejected claim(s): none

Claim(s) objected to: 1-6, 8-13, and 15-21

Response to Arguments

Applicant's arguments filed 10/30/2000 have been fully considered but they are not persuasive.

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The applicants' argument that West does not disclose using a Y-zeolite having the applicants' claimed surface area is not persuasive since while applicants claim using a Y-zeolite having a surface area of no more than 500 m²/g, West clearly discloses from column 5, line 54 thru column 6, line 5 that the Y-zeolite has a surface area of at least 350 square meters.

Any other arguments have been responded by the examiner in the final Office rejection.

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thuan Dang, whose telephone number is (703) 305-2658. The examiner can normally be reached on Monday-Thursday from 7:15 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marian Knode, can be reached on (703) 308-4311.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

T. Dang/TD
November 16, 2000
93329502.3rd

TD

Marian C Knode
MARIAN C. KNODE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700